IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5834 OF 2004

Dr. Pandurang Vishnu Limaye .. Applicant

Vs.

Mr. Ashok P. Kakatkar & Anr. .. Respondents

Mr. S.B. Shetye for the applicant.
Mr. Sameer Tambekar i/by Mr. S.D. Patil for Respondent No.1.
Mr. S.S. Pednekar, APP for Respondent No.2-State.

CORAM: S.C. DHARMADHIKARI, J.

Date : December 07, 2005.

P.C.:

1. Upon a complaint filed by the first respondent alleging offences under Section 138 of the Negotiable Instruments Act, the applicant-accused preferred an application for discharge and/or recalling the process. The said application having been dismissed, the present petition under Article 227 read with Section 482 of Cr.P.C.

2. After hearing Mr. Shetye appearing in support of this petition and the learned advocate appearing

for the first respondent and perusing the complaint, in my view, this is not the stage where the court must scrutinise the correctness of the submission that cheque was not issued for payment of the liability of the sole proprietorship concern of which the present applicant is the sole proprietor but some other entity.

3. In the circumstances, petition is dismissed. All contentions raised in this petition are kept open and the same can be raised during the course of the trial and the learned Magistrate shall consider them without being influenced by the earlier order as well as dismissal of the present petition.

(S.C. Dharmadhikari,J)